

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

CHARLES BECOAT,

Plaintiff,

v.

MONTE JORDANA LEVY,

Defendant.

2:15-cv-02272-GMN-GWF

ORDER

I. DISCUSSION

Plaintiff, who is a prisoner in the custody of the Nevada Department of Corrections (“NDOC”), has filed multiple documents with this Court but has failed to clearly identify which case number these filings belong to. As a result, the Clerk’s Office opened several new cases under Plaintiff’s name, *i.e.* 2:15-cv-02144-JCM-PAL, 2:15-cv-02145-JAD-CWH, 2:15-cv-02220-JAD-CWH, 2:15-cv-02272-GMN-GWF, and 2:15-cv-02300-JCM-PAL. On December 16, 2015, the Clerk’s Office closed two of these cases—2:15-cv-02220-JAD-CWH and 2:15-cv-02300-JCM-PAL—because it determined that documents that it thought were the initiating case documents appeared to be motions related to another open case.

On December 16, 2015, Plaintiff filed a letter with the Court explaining that he only had submitted two complaints and their amended versions in cases 2:15-cv-02144-JCM-PAL and 2:15-cv-02272-GMN-GWF. (ECF No. 4 at 1). Plaintiff asserts that the Clerk’s Office had opened case numbers 2:15-cv-02220-JAD-CWH and 2:15-cv-02300-JCM-PAL in error. (*Id.*).

At the moment, Plaintiff has three open cases: (a) *Becoat v. Las Vegas Metro Police Department et al.*, 2:15-cv-02144-JCM-PAL; (b) *Becoat v. Nevada NDOC et al.*, 2:15-cv-02145-JAD-CWH, and (c) *Becoat v. Levy*, 2:15-cv-02272-GMN-GWF. Based on

1 Plaintiff's most recent letter, it appears that the initiating document filed in *Becoat v. Nevada*
2 *NDOC et al.*, 2:15-cv-02145-JAD-CWH, is supposed to be an amended complaint for *Becoat*
3 *v. Levy*, 2:15-cv-02272-GMN-GWF, or vice versa. It is unclear to the Court which document
4 is Plaintiff's most recent amended complaint. As such, the Court directs Plaintiff to file an
5 amended complaint in *Becoat v. Levy*, 2:15-cv-02272-GMN-GWF.

6 Plaintiff is granted leave to file an amended complaint. When Plaintiff files an amended
7 complaint, he is advised that an amended complaint supersedes (replaces) the original
8 complaint and, thus, the amended complaint must be complete in itself.¹ See *Hal Roach*
9 *Studios, Inc. v. Richard Feiner & Co., Inc.*, 896 F.2d 1542, 1546 (9th Cir. 1989) (holding that
10 "[t]he fact that a party was named in the original complaint is irrelevant; an amended pleading
11 supersedes the original"); see also *Lacey v. Maricopa Cnty.*, 693 F.3d 896, 928 (9th Cir. 2012)
12 (holding that for claims dismissed with prejudice, a plaintiff is not required to reallege such
13 claims in a subsequent amended complaint to preserve them for appeal). Plaintiff's amended
14 complaint must contain all claims, defendants, and factual allegations that Plaintiff wishes to
15 pursue in this lawsuit. Moreover, Plaintiff must file the amended complaint on this Court's
16 approved prisoner civil rights form and it must be entitled "First Amended Complaint."

17 Plaintiff shall file the amended complaint within 30 days from the date of entry of this
18 order. Upon filing any documents with the Court, Plaintiff is directed to clearly identify the case
19 number he is filing documents in. Additionally, Plaintiff is reminded that he must comply with
20 this Court's order to timely file an application to proceed *in forma pauperis* on or before
21 January 7, 2016. (ECF No. 2).

22 **II. CONCLUSION**

23 For the foregoing reasons, IT IS ORDERED that Plaintiff shall file an amended
24 complaint, as outlined in this order, within 30 days from the date of entry of this order.

25 IT IS FURTHER ORDERED that the Clerk of the Court shall send to Plaintiff the
26 approved form for filing a § 1983 complaint, instructions for the same, a copy of his initiating

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28 ¹ The Court notes that Plaintiff's "amended" versions of his complaint do not contain
the same defendants or claims as earlier versions of his complaint.

1 document filed in this case (ECF No. 1-1), a copy of the filing fee order filed in this case (ECF
2 No. 2), and a copy of the initiating document filed in 2:15-cv-02145-JAD-CWH (ECF No. 1).
3 When Plaintiff files an amended complaint, he must use the approved form and he shall write
4 the words "First Amended" above the words "Civil Rights Complaint" in the caption.

5 IT IS FURTHER ORDERED that Plaintiff shall clearly identify the Court's case number
6 on all documents filed with the Court.

7 IT IS FURTHER ORDERED that, if Plaintiff fails to file an amended complaint, this
8 action shall be dismissed without prejudice.

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10 DATED: This 21st day of December, 2015.

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13 GEORGE FOLEY, JR.
14 United States Magistrate Judge
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